



State of Washington

## DEPARTMENT OF FISH AND WILDLIFE

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### DETERMINATION OF NONSIGNIFICANCE (DNS)

**Name of Proposal:** REMOVE STELLER SEA LION FROM THE STATE ENDANGERED SPECIES LIST (WAC 232.12.011).

#### Description of Proposal:

The Washington Department of Fish and Wildlife (WDFW) is proposing the Steller sea lion for delisting from the state endangered species list. WAC 232.12.011 identifies threatened and sensitive species in Washington which are in need of special management consideration to keep them from becoming endangered or threatened. The proposed amendment to WAC 232.12.011 would remove the Steller sea lion (SSL) from the list of species in the state endangered species act.

Making changes to the listing of species is based solely on the biological status of the species. The first step in the process is to develop a preliminary species status report. The report includes a review of information relevant to the species' status in Washington and addresses factors affecting its status including, but not limited to: historic, current, and future species population trends, natural history including ecological relationships, historic and current habitat trends, population demographics and their relationship to long term sustainability, and historic and current species management activities. Pursuant to WAC 232-12-297(6.1.1) and (6.2), the Department intends to adopt the April 2012 NMFS draft status review (<http://alaskafisheries.noaa.gov/protectedresources/stellers/edps/status.htm>) as the preliminary species status report. In its review, NMFS considered all information relevant to SSL status in Washington, as well as the rest of the species range on the Pacific coast, and addressed factors affecting its status. NMFS's draft status review has already been evaluated by members of the public and the scientific community, including WDFW scientists, through a public comment period extending from April 18 to June 18, 2012. The Department's intent is to adopt the April draft NMFS status review as the Department's preliminary status report, unless the NMFS final review contains any changes for the Washington portion of the range. This intent was published on July 5, 2012 (WSR 12-14-115).

The state delisting procedures provide for a 90-day public review opportunity for interested parties to submit new scientific data relevant to the draft status report and classification recommendation. The 2012 NMFS Status Report for the eastern Distinct Population Segment of the SSL was reviewed by researchers and state, provincial, and federal agencies during the Federal comment period, and is now subject to a state 90-day public comment period from 6 July – 15 October 2012. At the close of the comment period, the Department will review the comments and determine if any modifications to the NMFS status review are necessary before adopting that as the final status report. The final report and recommendations are then released 30 days prior to the Fish and Wildlife Commission presentation for public review. With delisting, Steller sea lions would still be protected by the Marine Mammal Protection Act and relevant state law prohibiting harvest except under certain prescribed circumstances.

The report and recommendation for delisting will be presented to the Washington Fish and Wildlife Commission. The Department will present this status review and a recommendation to delist the SSL to the Fish and Wildlife Commission at the 8-9 November meeting in Olympia. The Commission is then expected to take action on the proposal at the 14 December 2012 meeting.

**Proponent/Applicant:**

Bill Tweit, Directors Office  
Washington Dept. Fish and Wildlife  
600 Capitol Way N  
Olympia, WA 98501-1091  
360-902-2515

**Location of Proposal:** Statewide, Washington, All Counties

**Lead Agency:** Washington Department of Fish and Wildlife (WDFW)

WDFW has determined that this proposal will likely not have a significant adverse impact on the environment. Therefore, state law<sup>1</sup> does not require an environmental impact statement (EIS). WDFW made this determination of nonsignificance (DNS) after we reviewed the environmental checklist and other information on file with us.

We issued this DNS according to state rules.<sup>2</sup> We will **not act on this proposal for 14 days** from the date we issued the DNS. Agencies, affected tribes, and members of the public are invited to comment on this proposal or DNS. We must receive your comments within 14 days of the date of this letter. This means we must receive your comments by **October 15, 2012**.

**Method of Comment:**

The following procedures shall govern the method to comment on agency SEPA proposals. Comments received through these procedures are part of the official SEPA record for this proposal.

You can submit your comments any one of the following ways:

- Email to [SEPAdesk2@dfw.wa.gov](mailto:SEPAdesk2@dfw.wa.gov)
- Online at the WDFW SEPA website comment link at: <http://wdfw.wa.gov/licensing/sepa/>
- Fax to (360) 902-2946;
- Mail to the address below.

**Responsible Official:** Bob Zeigler

**Position/Title:** SEPA/NEPA Coordinator, WDFW Regulatory Services Section

**Address:** 600 Capitol Way North, Olympia, WA 98501-1091

After the comment period closes, applicants may view the updated status of this proposal on the WDFW SEPA website: <http://wdfw.wa.gov/licensing/sepa/> Once the status is posted as final, applicants and permittees may take action on the proposal. When a proposal is modified or withdrawn, notice will be given in accordance with state law.<sup>1</sup>

If you have questions about this DNS or the details of the proposal, contact Bob Zeigler at the address, e-mail, or fax number above; you can also call him at (360) 902-2578.

**DATE OF ISSUE:** September 19, 2012

**SIGNATURE:** *Bob Zeigler*

Footnotes

1. RCW 43.21C.030(2)(c)
2. WAC 197-11-340(2).

SEPA Log Number: 12 -064. dns